

## Steven Kempster

PARTNER | LONDON

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### Steven is a partner in the trust, estate and inheritance disputes team.

He specialises in the resolution of disputes relating to the formation or administration of trusts and estates in a UK and international context. Recent cases have included disputes relating to trusts and estates in the UK, Channel Islands, Isle of Man, Switzerland, Gibraltar, Liechtenstein, Hong Kong, Singapore, Cayman Islands and Bermuda. He also advises on charity law matters, including dispute resolution where UK charities are involved.

Steven has been described by Chambers Global as a 'leading figure' and 'esteemed litigator'. He is named as a Leading Lawyer in the Contentious Trusts category of Citywealth's Annual Guide to the Most Highly Regarded Figures in Private Wealth Management. Steven is also listed as a leading practitioner in Euromoney's Guide to the World's Leading Trust and Estates Practitioners. In 2017, 2018 and 2019 Steven was nominated in Legal Week's Private Client Global Elite of international advisers. In 2011, Steven was included in The Lawyer magazine's annual 'Hot 100' list of lawyers who have consistently demonstrated nimbleness and innovation over the last 12 months.

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## Track record

## Trust and succession disputes

Steven acts in many of the largest and most complex international trust and succession disputes, the majority of which are resolved successfully without a public court decision. Recent cases that have been reported include:

### Offshore trusts transfers

Acting for high-net worth international businessman on successfully setting aside transfers into various offshore trusts that had triggered unnecessary tax on £10m+ (heard in English court in August 2019)

### Removing executors of a Will

Acting for beneficiaries of an estate in proceedings that went to the Court of Appeal in England on the issue of removing executors of a Will and on the costs of the dispute; reported as *Griffin v Higgs* [2018]

### Trustees of family trusts

Acting for trustees of substantial family trusts seeking order from the Court for additional powers under Section 57 Trustee Act 1925; reported as *Gelber v The Sunderland Foundation* [2018]

### Attacks on trusts

Advising a blue-chip offshore trust company on its involvement in English divorce proceedings concerning attacks on trusts worth over £25 million. We handled the disclosure issues for the trustee and eventually the case was concluded without the trustee being formally joined to the English proceedings.

### Inheritance Act claim

Our lawyers brought the highest value Inheritance Act claim to date in *Wooldridge v Wooldridge* (2016). We were acting for a widow who sought to increase provision under her husband's will after his death in a tragic helicopter accident.

### Trustee decisions

Advising in the *Matter of the F Settlement and the A Trust* (2015) a landmark decision of the Bermuda court setting aside trustee decisions.

### Validity of high value trusts

The case of *BQ v DQ* (2010) a decision of the Bermuda Court concerning a successful challenge to the validity of two high value trusts over 30 years after they had been purportedly established.

## Anti-suit injunction

Advised on the case of *Re A Trust* (2012), a decision on successfully obtaining an anti-suit injunction against a beneficiary of a trust to prevent the beneficiary suing the trustee in an inappropriate jurisdiction.

## Rectification applications confidentiality

Advised in the case of *Re Shuldham* (2012), the judgment on confidentiality of rectification applications concerning trusts with interests of minor children.

## Russian Family Code

Advised in the matter of *Slutsker v Haron* (2013) where the Court of Appeal made a decision on the application of the Russian Family Code to a property and trust structure.

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## Talks

- STEP Guernsey event - The Arbitration of Trust Disputes - February 2024
- STEP Asia - Family Law Implications of Trusts - November 2023
- BVI International Arbitration Conference - Trusts Disputes and Arbitration - November 2021
- STEP Asia - Trust Arbitrations - November 2020
- India High Net Worth Disputes Forum - Discussion roundtable on international trust disputes - November 2020
- International Chamber of Commerce event in London, launching the ICC's draft clause for the arbitration of trust disputes - November 2018
- Panellist - '*Wealthy families in dispute*', Private client dining club, London - May 2018
- STEP, Hong Kong branch, lecture on '*Trust and divorce*' - February 2018
- '*Trust planning in divorce*', Isle of man conference - September 2017

## External publications

IFC article - When Two Worlds Collide: Offshore Trusts and Arbitration, September 2023

STEP Journal - The Mother of All Conundrums: commercial surrogacy and trust interests, June 2023

Editor and contributing author to Oxford University Press' International Trust Disputes, first edition 2012, second edition 2020

STEP Journal article on Arbitration of Trust Disputes, March 2019

Wealth Management Spotlight on Contentious Trusts, Spears Magazine, September 2017

"Stress Testing Trusts in an Unstable World", Wealth Briefly, August 2016

'*Protecting Private Wealth from Europe to the Far East and beyond*', Global Business Magazine, World Trustee Report

## Admissions

England and Wales, 2000

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## Education

University of Leeds, BA (Hons) in Political Studies

The College of Law, Diploma in Law

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## Languages

English

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## Memberships

Association of Contentious Trust and Probate Specialists

Charity Law Association

Society of Trusts and Estates Practitioners

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## Key dates

Year joined: 2014

Year became partner: 2014

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